

Panaji, 14th September, 1989 (Bhadra 23, 1911)

SERIES II No. 24

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### GOVERNMENT OF GOA

#### Education Department

Order

No. 21/7/89/EDN

Shri R. K. Tari is hereby temporarily appointed on ad hoc basis as Lecturer in Botany in Government College of Arts, Science and Commerce, Sanquelim under the Directorate of Education, Panaji with effect from 18-7-1989 (B.N.) in the scale of Rs. 2200-4000/- plus the usual allowances admissible from time to time with the initial pay of Rs. 2200/- p.m.

The appointment is subject to the condition specified in the office Memorandum No. 21/Misc/2616/89-EDN dated 15-6-1989 and the Rules and Regulation laid down by the Government from time to time.

The appointment is for a period of one year and purely on ad hoc basis and it will not bestow on the appointee any claim for regular appointment/promotion to the higher post and seniority and will be liable to be terminated by one month's salary in lieu of notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from the holding of a post under Government.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Education).

Panaji, 18th August, 1989.

Order

No. 23/5/89/Education

Read: Govt. Order No. 16-54-69-Adm. 1/344 dated 8-5-89.

Shri Shivaji N. Patil is hereby temporarily appointed on ad-hoc basis as Lecturer in Geography in Government College of Arts and Commerce, Quepem under the Directorate of Education with effect from 15-7-89 (B.N.) in the scale of Rs. 2200-4000/- plus the usual allowances admissible from time to time with the initial pay of Rs. 2200/- p.m.

The appointment is subject to the condition specified in the office memorandum No. 21/Misc/2616/89/EDN dated 16-6-89 and the Rules and Regulation laid down by the Government from time to time.

The appointment is for a period of one year and purely on ad-hoc basis and it will not bestow on the appointee any claim for regular appointment promotion to the higher post and seniority and will be liable to be terminated by one month's salary in lieu of notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from the holding of a post under Government.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Education).

Panaji, 21st August, 1989.

Order

No. 21/5/89/Education

Shri Anil P. Karambelkar is hereby temporarily appointed on ad hoc basis as Lecturer in Geology in Government College of Arts, Science & Commerce, Sanquelim under the Directorate of Education, Panaji with effect from 20-6-1989 (B.N.) in the scale of Rs. 2200-4000 plus the usual allowances admissible from time to time with the initial pay of Rs. 2200/-.

The appointment is subject to the condition specified in the Office Memorandum No. 21/Misc/2616/EDN dated 16-6-1989 and the Rules and Regulation laid by the Government from time to time.

The appointment is initially for a period of one year and purely on ad hoc basis and it will not bestow on the appointee any claim for regular appointment, promotion to the higher post and seniority and will be liable to be terminated by one month's salary in lieu of notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from the holding of a post under Government.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Education).

Panaji, 26th July, 1989.

Order

No. 21/9/89/EDN

Shri Sayad Abdullah S. M. is hereby temporarily appointed on ad hoc basis as lecturer in Political Science in Government College of Arts, Science and Commerce, Sanquelim, under the Directorate of Education with effect from 3-7-89 (B.N.) in the scale of Rs. 2200-4000/- plus the usual allowances admissible from time to time with the initial pay of Rs. 2200/- p.m.

The appointment is subject to the condition specified in the office Memorandum No. 21/Misc/2616/Edn dated 15-6-89 and the Rules and Regulation laid down by the Government from time to time.

The appointment is for a period of one year and purely on adhoc basis and it will not bestow on the appointee any claim for regular appointment promotion to the higher post and seniority and will be liable to be terminated by one month's salary in lieu of notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from the holding of a post under Government.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Education).

Panaji, 30th August, 1989.

## Directorate of Education

### Memorandum

No. DE/Acad. I/NEZ-PE/13/SDES/78/IV/4737

Whereas by order bearing No. DE/Acad. I/NEZ-PE/13/SDES/78/IV/1319 dated 20-4-1988, it was ordered that the Management of Gomantak Education Society which runs Shri Durga English School, Parsem, Pernem, Goa be taken over by the Government with immediate effect for a period of three years in the first instance;

Whereas the above referred Society, through its President Shri Ramnath Mahadev Sawant, filed a Writ Petition No. 127/1988 at the Panaji Bench of the Bombay High Court and the Hon'ble High Court by its order dated 20-6-1988 stayed the impugned order dated 20-4-1988.

Whereas on the application filed on behalf of the Respondents in Writ Petition No. 127/88 for modification of the order of the High Court dated 20-6-1988, the Hon'ble High Court has observed that it would be open to the Department to consider issue of fresh Show Cause Notice having regard to the subsequent events;

And whereas, from the documents, a list whereof is annexed hereto as Annexure 'A', it appears that acts of commission and omission, as specified in Annexure 'B' amounting to mismanagement of the affairs of the school in a manner prejudicial to public interest and school education have been committed by the society;

Now, therefore, without prejudice to the defence of the Respondents in Writ Petition No. 127/88 that the order dated 20-4-1988 impugned therein is a valid order, notice is hereby given to Gomantak Education Society, Parsem, Pernem to show cause within 15 days from the date of receipt of this notice by you as to why the Management of the said Shri Durga English School should not be taken over by the Government for a period of three years in the first instance in public interest and in the interest of school education.

In the event you desire to inspect the documents listed in Annexure 'A', herein, you may do so within five days from receipt of this notice in the office of Director of Education, Panaji, Goa.

V. M. Dessai, Director of Education and Ex-officio Additional Secretary to the Government of Goa.

Panaji, 10th August, 1989.

### ANNEXURE 'A'

#### List of Documents

- (1) Representation dated 31-7-1987 from the Founder Members of Gomantak Education Society addressed to Hon. Minister for Societies regarding mismanagement of the School.
- (2) Representation dated 20-7-1987 from Members of Action Committee addressed to Hon. Chief Minister regarding murderous attack on Headmaster of the School.
- (3) Representation dated 17-3-1989 from Parse Citizens and Guardians Action Committee addressed to Hon. Chief Minister regarding various serious irregularities.
- (4) Representation dated 12-6-1989 from the Parse Citizens and Guardians Action Committee addressed to Hon. Chief Minister regarding chaotic situation as regards mismanagement of Shri Durga English High School.

V. M. Dessai, Director of Education.

### ANNEXURE 'B'

#### Acts of commission and omission

- (1) The Management has not allowed the regular teachers of the school to work in the school.
- (2) Some of the teachers were beaten in the school premises and the teachers received threats of dire consequence if they attend the school.

(3) Headmaster of the school was illegally and arbitrarily suspended.

(4) Some unauthorised persons were illegally working as teachers in the school and engaging the classes.

(5) Annual result of the students for the academic year 1988-89 have been finalised with the help of illegally appointed teachers.

(6) In view of assaults on the teacher Shri Y. G. Gowandi, police complaint had to be filed and the school premises were required to be guarded by the officials of the Police Department.

(7) The Management has failed to effect payment to the employees from March 1989 onwards and, therefore, provision of rule 60 of the Goa, Daman and Diu School Education Rule had to be invoked by order dated 21-6-1989 by appointing a Drawing and Disbursing Officer to effect the payment due to the employees of the school.

V. M. Dessai, Director of Education.

## Department of Cooperation

### Office of the Registrar of Coop. Societies

#### Order

No. 48-1-85/TS

Read: 1. Order No. 48-1-85/TS dated 9-8-1988.

2. Letter No. 1/70/EST/ARCS/CZ dated 25-7-1989 from the Asstt. Registrar, Central Zone, Panaji.

By virtue of powers delegated to me under Sub-Section (1) of Section 93 of the Maharashtra Coop. Societies Act 1960 as applied to the Goa State read with Sub-Rule (1) of Rule 73 of the Coop. Societies Rules, 1962, I, S. S. Keshkamat, Dy. Registrar of Coop. Societies, Goa am pleased to extend the term of appointment of Adv. Arun A. Naik of Panaji-Goa to perform the duties of the Registrar's Nominee for deciding the disputes arising in any of the Coop. Societies functioning in Ponda Taluka under the jurisdiction of Asstt. Registrar, Central Zone Panaji for a further period of one year with retrospective effect from 21-5-1989 to 20-5-1990.

S. S. Keshkamat, Dy. Registrar of Coop. Societies.

Panaji, 2nd August, 1989.

#### Order

No. 48-1-85-TS

Read: 1. Order No. 48/1/85/TS dated 9-8-1989.

2. Letter No. 1/70/EST/ARCS/CZ dated 14-8-1989 from the Asstt. Registrar Coop. Societies, Central Zone.

By virtue of powers delegated to me under Sub-Section (1) of Section 93 of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa, read with Sub-Rule (1) of Rule 73 of the Coop. Societies Rules, 1962, I, S. S. Keshkamat, Dy. Registrar of Coop. Societies, Goa, am pleased to extend the term of appointment of Advocate A. S. Mashelkar of Panaji-Goa to perform the duties of the Registrar's Nominee for deciding the dispute arising in any of the Coop. Societies functioning under the jurisdiction of the Asstt. Registrar Coop. Societies, (Central Zone) for a further period of one year with retrospective effect from 8-7-89 to 7-7-90. He shall have his sitting at his office in Panaji.

S. S. Keshkamat, Dy. Registrar of Coop. Societies, Goa.

Panaji, 23rd August, 1989.

#### Order

No. 48-1-85/TS

Read: 1. This office Order No. 48/1/85/TS dated 28-9-88.

2. Letter No. 1/70/EST/ARCS/CZ dated 22-8-89 from the Asstt. Registrar Coop. Societies, Central Zone, Panaji.

In exercise of the powers delegated to me under Sub-Section (1) of Section 93 of the Maharashtra Coop. Societies Act, 1960 as applied to the Goa State, read with Sub-Rule (1) of Rule 73 of the Coop. Societies Rules 1962. I, S. S. Keshkamat, Dy. Registrar of Coop. Societies, Goa am pleased to extend the term of appointment of Advocate Suhas G. Thali, Panaji as Registrar's Nominee for deciding the dispute arising in any of the Coop. Societies functioning under the jurisdiction of Asstt. Registrar of Coop. Societies, Central Zone, Panaji with effect from 10-9-89 to 9-9-90.

S. S. Keshkamat, Dy. Registrar of Coop. Societies, Goa.  
Panaji, 29th August, 1989.

### Office of the Asstt. Registrar of Coop. Societies

Order

No. 46/16/68/LQD/ARCS/CZ/87

Read: 1) This office Order No. ARCS/CZ/RES-(C)-162/Goa/LQD/81 dated 6-11-1981, appointing Shri A. K. Marathe, Jr. Inspector of Coop. Societies, Central Zone, Panaji, as a liquidator of the Taleigao V. K. S. S. Society Ltd., Taleigao-Tiswadi.

In partial modification of this office Order referred above Shri M. B. Bhavsar, Special Recovery Officer, Coop. Societies, Central Zone, Panaji, is hereby appointed as Liquidator of Taleigao V. K. S. S. Society Ltd., Taleigao-Tiswadi vice Shri A. K. Marathe, Jr. Inspector, Coop. Societies, Panaji.

G. S. Patil, Asstt. Registrar of Coop. Societies, Central Zone, Panaji.

Panaji, 4th August, 1989.

### Department of Urban Development

Corrigendum

No. 3/91/72-LSG/(Part II)

Read: Government order No. 3/91/72-LSG/(Part II) dated 10-4-1989.

The words "ad-hoc basis" appearing in the first line of paras one and two of the above referred order may be read as "temporary basis".

The promotees shall be on probation for two years with effect from 10-4-1989.

By order and in the name of the Governor of Goa.

D. V. Sathe, Under Secretary to the Government of Goa (U.D.).

Panaji, 25th August, 1989.

### Social Welfare Department

Order

No. 6-48-87-SWD

Read:— Order of even number dated 8-8-1988.

Government is pleased to extend the appointment of Smt. Sherin M. Antao, on contract basis, as Assistant Director (Handicapped) in the Directorate of Social Welfare upto 28-8-1990 or till the post is filled on regular basis, whichever is earlier.

Smt. Sherin M. Antao should look after the work of Women Welfare Cell in addition to her Handicapped Cell's work.

This extension is subject to her signing the necessary contract.

By order and in the name of the Governor of Goa.

D. S. Shirodkar, Under Secretary to the Government of Goa Social Welfare.

Panaji, 31st August, 1989.

### Department of Science, Technology and Environment

Notification

No. 4-1-89-STE

Read: Notification No. 1-5-83-STE (Part III) dated 10th March, 1988.

Government is pleased to nominate Dr. Naraina P. S. Varde, Scientist, Department of Science, Technology and Environment, Panaji as a member on the Ecological Control Committee constituted under Notification cited above.

By order and in the name of the Governor of Goa.

A. T. Fernandes, Under Secretary to the Govt. of Goa, S. T. E. Department.

Panaji, 21st August, 1989.

### Revenue Department

Notification

No. 22/141/87-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of road from Dabem School to Chinchwada at Morpirla village in V. P. Fatorpa in Quepem Taluka.

Now, Therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Deputy Collector (S.D.O.) Quepem to perform the functions of a Collector South Goa District, Margao under the said Act in respect of the said land.

5. The Government also authorise, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao.
2. The Deputy Collector (S. D. O.) Quepem.

3. The Executive Engineer, Works Division XVIII (R&B) Ponda.
4. The Director of Land Survey, Panaji.
6. A rough plan of the said land is available for inspection in the office of the Deputy Collector (S.D.O.) Quepem for a period of 30 days from the date of publication of this Notification in Official Gazette.

## SCHEDULE

(Description of the said land)

Taluka: Quepem

Village: Morpiria

Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
90/3	Vithaldas Pai Cacodo. Vithoba Pico Gaonkar. Vithaldas Yeshwant Pai Cacode. Purwador of Comunidade of Fatorpa.	6000.00
90/4	Rama Govind Gaonkar. Molu Bhikaro Gaonkar. Shambu Bodko Gaonkar. Shanu Paico Gaonkar. Chimut Teplu Gaonkar. Salu Nagu Velip. Pauto Vithoba Gaonkar. Pico Mono Gaonkar. Comunidade Balli.	3000.00
92/1	Comunidade of Purvez Balli.	3400.00
91/1	Bhiso Nagu Gaonkar. Roque Colaco. Vithoba Chimut Gaonkar.	1800.00
91/2	Pauto Vithoba Gaonkar. Shanu Paico Gaonkar. Molu Bhikaro Gaonkar. Shambu Bodko Gaonkar. Venancio Lawrence Xavier. Ram Govind Gaonkar.	3000.00
91/3	Venancio Laurence Xavier. Keiro Sanklo Velip. Bombo Babu Velip.	1000.00

## Boundaries:

North: S. No. 90/2, 91/1.  
South: S. No. 91/2, 3, 92/1.  
East: S. No. 90/3, 4, 92/1, 91/2, 3.  
West: S. No. 90/3, 5, 92/1, 91/2.

Total ..... 18000.00

By order and in the name of the Governor of Goa.  
P. S. Nadkarni, Under Secretary (Revenue).  
Panaji, 19th July, 1989.

## Notification

No. 22/104/89-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Sukaldem road via Santimodi to Barkewal in V. P. Chinchinim (addl. area).

Now, Therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements

made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Special Land Acquisition Officer (S.I.P.) I.D. Complex, Gogal, Margao to perform the functions of a Collector South Goa District, Margao under the said Act in respect of the said land.

5. The Government also authorise, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao.
2. The Special Land Acquisition Officer (S.I.P.) I.D. Complex, Gogal, Margao.
3. The Executive Engineer, Works Division VI (R&B) P.W.D., Fatorpa, Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Special Land Acquisition Officer (S.I.P.) I.D. Complex, Gogal, Margao for a period of 30 days from the date of publication of this Notification in Official Gazette.

## SCHEDULE

(Description of the said land)

Taluka: Salcete

Village: Chinchinim

Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
260/3 part	Eplifanio Isac Jesus D'Costa.	50.00
" /4 part	1. Remedio Antao. 2. Constancio Antao.	125.00
" /5 part	1. Educiano Menezes. 2. Josinho M. Menezes.	200.00
" /6 part	1. Aluxinho Menezes. 2. Salvador Barretto.	300.00
" /7 part	1. Magdalema Dias. 2. Ismito Dias. 3. Vicente Domingos Dias.	60.00
" /12 part	1. Avertano D'Costa. 2. Mario D'Costa.	275.00
" /1 part	1. Serafina Antao.	200.00
263/24 part	1. Severino Eduardo Menezes.	15.00
" /26 part	1. Rosario Antao. 2. Laserto Antao. 3. Anna Maria Antao.	35.00
" /28 part	1. Norbertim Serafin Antao.	50.00
" /31 part	1. Jose Antao.	40.00
" /20 part	1. Jose Cruz D'Costa. 2. Alberto D'Costa. 3. Paulino D'Costa.	150.00
" /32 part	1. Sebastiano Fernandes.	25.00
" /33 part	1. Philip Antao.	75.00
" /36 part	1. Philip Antao.	25.00
" /37 part	1. Esperanca Barreto.	50.00
" /38 part	1. Carnelle Bernardino D'Costa.	125.00
" /35 part	1. Comunidade of Chinchinim.	125.00
262/2 part	1. Maria P. Fernandes C. Coutinho.	125.00
" /3 part	1. Josezinho M. F. Menezes. 2. Edocinano I. P. Menezes.	50.00
" /6 part	1. Inacio Caitano D'Costa. 2. Bento F. Cullao D'Costa. 3. Esperansa S. Barreto.	25.00
" /10 part	1. Santano Menezes.	50.00
262/16 part	1. Antonio Menezes. 2. Feliciano Soares. 3. Santano Menezes.	50.00
" /18 part	1. Sant Cruz Chapel of Sukaldem.	180.00
" /9 part	1. Maria Santana Viegas. 2. Artimizia Pereira.	120.00

1	2	3
	3. Santa Rita Menezes. 4. Jacob Menezes. 5. Virginia Menezes.	
160/10 part	1. Inacio P. D'Costa & others. 2. Piedade Pereira.	525.00
" /11 part	1. Ubaldina Teixeira. 2. Francisco X. Teixeira.	160.00
" /12 part	1. Curina Cotta.	225.00
" /8 part	1. Jeronimo A. Pereira. 2. Isabel Costa.	350.00
" /9 part	1. Esperansa Barreto.	40.00
" /2 part	1. Lucas C. Felix Furtado.	650.00
119/1 part	1. Conceissao Gomes. 2. Gabriel Rosario Gomes. 3. Jose Francisco Gomes.	175.00
" /2 part	1. Beatriz Menezes Braganza.	300.00
" /3 part	1. Berta Menezes Braganza.	425.00
" /4 part	1. Cipriano Sequeira. 2. Felicidade Mascarenhas.	75.00
120/1 part	1. Public Foot Path.	25.00
" /2 part	1. Matheus Pereira. 2. Pedro Joaquim Pereira. 3. Minguet Pereira.	125.00
123/10 part	1. Berta Braganza.	1400.00
<b>Boundaries:</b>		
North: S. No. 264/26, 260/5, 263/26, 263/28, 31, 32, 33, road, 160/10, 11, 8, 103/3, 104/3, 104/8, 103/12, 118/1, 118/2, 118/3.		
South: 262/8, 263/36, 263/37, 38, 160/13, 160/10, 14, 12, 105/1, 106/1, 2, 123/6, 123/1, 10, 119/2.		
East: 260/5, 6, 7, 263/24, 260/26, 263/20, 262/3, 6, 10, 18, 160/2, 12, 103/4, 103/5, 10, 119/4, 119/2, 3, 4, 5, 123/11.		
West: 260/34, 5, 6, 12, 19, 263/38, 262/2, 9, 14, 160/2, 9, 8, 10, 11, 105/1, 6, 104/10, 103/4, 10, S. No. 117, 123/10, 118/3.		
Total .....		7000.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 28th July, 1989.

#### Notification

No. 22/44/88-RD

Whereas by Government Notification No. 22/44/88-RD dated 22-8-1988 published on page 484 of Series II, No. 44 of the Official Gazette, dated 7-2-1989 and in two newspapers (1) Navhind Times dated 20-9-1988 (2) Navprabha dated 3-9-1988 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Land Acquisition for construction of Sub-Health Centre at Amona Bicholim.

And whereas, the Government of Goa (hereinafter referred to as "the Government"), after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to "the said land").

Now, therefore, the Government hereby declares, under section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of section 3 of the said Act, the Deputy Collector & S.D.O., Mapusa to perform the functions of a Collector North Goa District, Panaji for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Deputy Collector & S. D. O., Mapusa till the award is made under section 11.

#### SCHEDULE

(Description of the said land)

Tahuka: Bicholim

Village: Amona

Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
27 part	Shri Raulu Shamba Sinai Amonkar.	2400.00
<b>Boundaries:</b>		
North: S. No. 24/2.		
South: S. No. 27.		
East: S. No. 27.		
West: S. No. 27.		
Total .....		2400.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 31st July, 1989.

#### Notification

No. 22/177/87-RD

Whereas by Government Notification No. 22/177/87-RD dated 7-7-1988 published on page 198 to 199 of Series II, No. 19 of the Official Gazette dated 11-8-1988 and in two newspapers (i) Navhind Times dated 18-7-1988 and (ii) Gomantak dated 20-7-1988 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for public purpose, viz. Land Acquisition for laying raising main from sewage pumping station No. 4 to the sewage pumping station No. 6 through paddy fields at Orulem Mainolem (addl. area).

And whereas, the Government being of the opinion that the acquisition of the said land is urgently necessary, hereby applies the provisions of sub-section (1) and sub-section (4) of section 17 of the said Act and directs that the Collector appointed under paragraph 2 below, shall, at any time, on the expiry of fifteen days from the date of the publication of the notice relating to the said land under sub-section (1) of section 9 of the said Act, take possession of the said land.

Now, therefore, the Government hereby declares, under the provisions of section 6 of the said Act, that the said land is required for the public purpose specified above.

2. The Government also hereby appoints, under clause (c) of section 3 of the said Act, the Deputy Collector & Sub-Divisional Officer, Mormugao Vasco-da-Gama to perform the functions of the Collector South Goa District, Margao, for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the Deputy Collector & Sub Divisional Officer, Mormugao, Vasco-da-Gama till the award is made under section 11.

## SCHEDULE

(Description of the said land)

Taluka: Mormugao

City: Vasco-da-Gama

P. T. S. No. Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
101/57/12 part	O: Comunidade. T: Baburai Venkatesh Borkar.	144.00
101/57/14 part	O: Comunidade. T: Janki Pandurang Borkar.	10.00
Boundaries:		
North: PTS 101/S. No. 57/12.		
South: PTS 101/S. No. 57/12.		
East: PTS 101/S. No. 57/11.		
West: Road.		
Total .....		154.00

By order and in the name of the Governor of Goa.

D. V. Sathe, Under Secretary (Revenue).

Panaji, 23rd August, 1989.

## Department of Labour

Order

No. 28/28/84-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Labour).

Panaji, 18th August, 1989.

IN THE INDUSTRIAL TRIBUNAL  
GOVERNMENT OF GOA  
AT PANAJI

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Ref. No. IT/5/83

Shri S. K. Pandey  
V/s

— Workman

M/s Raja Mahendra Pratap, Security Orga-  
nisation Methods Consultants Pvt. Ltd.

— Employer

Workman represented by Shri Subhas Naik.

Employer represented by Shri P. K. Lele.

Panaji, Dated: 26-7-1989

## AWARD

This is a reference made by the Govt. of Goa, by its order No. 28/28/84-ILD dated February 3, 1988 with an annexure scheduled thereto which reads as follows:

"Whether the action of the management of M/s RMP SOMC Zuarinagar, Goa, in transferring Shri S. K. Pandey, Security Inspector, from Sancoale Establishment to Bombay is legal and justified?

If not, what relief the workman is entitled to?"

After the above Govt. reference was received in this office the same was registered and notices were issued to the

parties. The parties appeared in the matter and filed their pleadings. The claim statement is filed by Party I on 9-4-88 which is at Exb. 2. The Written Statement of Party II dated 23-5-88 is at Exb. 3. To this the Party I have filed the rejoinder Exb. 4 which is in the nature of additional claim statement, wherein the workman has amended his original claim statement. To this Party II/Employer filed the additional Written Statement Exb. 5 dated 16-7-88. To this the workman filed his rejoinder on 30-7-88. After the pleadings of the parties were recorded, I framed the issues Exb. 7 on 23-8-88 and the issues are seven in number and the main issue is regarding the transfer of workman from one place to another. Hence the right of the management to issue the order of transfer of the workman from one place to another is the crux of the whole matter and in order to understand the things properly I shall have to study the facts in detail leading to the reference being made by the Govt. to this Tribunal.

The point at dispute and the action which is being challenged before me is the action of the management of M/s Raja Mahendra Pratap Security Organisation Methods Consultants Pvt. Ltd., having its head office at Bombay. This security organisation has a unit at Zuari Agro Chem. Ltd., at Zuarinagar in Goa, hereinafter referred to as 'ZACL'. The ZACL is a very big company requiring its own security arrangement. Instead of having its own security arrangement; ZACL had entrusted its security matters to independent units on contract basis. Formerly one S.P.S. Major Sukhi was the contractor who was arranging the security within the ZACL area. This major Sukhi left the job many years back and the RMPA having its head office at Bombay took over the work of arranging the security at ZACL and they started their unit or branch at ZACL, Goa. The dispute with which we are concern now is the service conditions of the workman in the Security Org. at the Unit at ZACL, Goa. The Bombay head office of RMP SOMC, be it noted here has many branches and it is claimed that the head office issues the letters of appointment to its different employees and the employees are called for interview by publishing notices in different news papers.

Accordingly one notice was published in the Times of India in 1982 and the Advt. appeared in the issue of Times of India dated 6-1-83. The Party I, Workman who was desirous of having a post of Security Supervisor appeared for the interview at Bombay on 8-1-83 and he was selected and was given to understand that he would receive a salary of Rs. 835 plus allowance of Rs. 250 p.m. and the posting was to be made in Goa. Thus even though the interview had taken place at the head office at Bombay the posting was actually made at Goa unit and accordingly the workman S. K. Pandey went to Zuarinagar, Goa, on 9-1-83 and he met one Shri P. S. Parekh who is the Security Administrator, at the Zuarinagar Unit. As stated above, the workman S. K. Pandey met him and showed him the letter of the head office. The Security Administrator namely Parekh went through that letter and he issued the letter of appointment which is Exb. 16(W).

The Administrator was considering the requirements at the Goa Unit and was giving letters of appointment and the necessary breaks in service as and when required and re-issuing fresh letters of appointment. So far as the workman is concerned it is interesting to note that he received the temporary appointment on 10-1-83 as Security Inspector and not Security Supervisor, and he was being given intermittent breaks. The following is the record of his service.

1. 10-1-1983 to 8-3-1983.
2. Break.
3. 14-3-1983 to 11-5-1983.
4. Break between 12-5-83 to 8-6-1983.
5. Re-appointed between 9-6-1983 to 6-8-1983.
6. Break between 7-8-1983 to 10-8-1983.
7. Re-appointed between 11-8-1983 to 8-10-1983.
8. Break — 9-10-1983 to 12-10-83.
9. Re-appointed 13-10-83 to 10-12-1983.

The above chart will go to show that the workman had hardly worked with the employer for a period of less than one year and the dispute started when the span of last period of service viz. 13-10-83 to 10-12-83 was going on. In ordinary circumstances the services of the workman working as Security Inspector was to come to an end on 10-12-83. Hence ordinarily he would have been out of service after 11-12-83 unless and until Parekh had given a re-appointment commensurate with the previous appointments. How-



ever, some other developments had taken place during the intervening period and they have given rise to the present Government reference.

According to the workman the Security personnel working in the ZACL Unit at Zuarinagar had organised themselves and all lower ranking personnel upto Security Inspector had joined the Union and they had become the members of the Union. However, the personnel of the rank of Security Inspectors which is the highest rank in the Security Org. were in two minds and they were to decide whether they should join the union by becoming the members. According to the workman S. K. Pandey he is the first Security Inspector who ventured to become a member of the union and some other Security Inspectors followed him and they became members some time thereafter. At present some of the Inspectors are members of the union and the management of ZACL Unit has not taken any objection to their's becoming members of the Union. This aspect is actually besides the point because what we have to consider here is the developments between 13-10-83 to 10-12-83. During this period while the workman was in service the letter of transfer Exb. 20(E) dated 7-11-83 was issued to the workman and by this letter the workman was transferred to the Bombay office of the Security Org. and he was asked to join on the next day. The workman felt that this order of transfer was not bonafide one and this amounted to victimisation. As such he did not go to join the new posting at Bombay. On the contrary he raised an industrial dispute. The reason of his refusing to join the posting at Bombay is that due to his transfer other Security Inspectors in the ZACL Unit were also liable to be transferred. The second ground was that he was the employee of ZACL Unit and his transfer to Bombay was not just and proper. According to him, there was not a single instance at ZACL Unit where a Security Inspector was transferred out of Goa. Hence the union which is spear-heading the case of the workman Pandey has filed this case as a test case so far as the right of the management of the ZACL Unit is concerned and they maintain that the workman working at the ZACL are not liable to be transferred out of Goa and for this purpose reliance is being placed on the Standing Orders and other relevant provisions.

Shri Subhas Naik making submissions on behalf of the workman did submit before me that the union is fighting the case on the principle that a person of ZACL Unit cannot be transferred out of Goa Region and the union says that there cannot be any transfer out of Goa. So far as the present workman is concerned he states that the workman does not claim any reinstatement nor any other relief excepting that of a declaration that the transfer order is not just and legal. A brief resume of the Govt. reference also would go to show that what the Govt. desires this Tribunal to find out is whether the action of the management in transferring the Security Inspector from Sancoale establishment to Bombay is legal and justified or otherwise. Hence what is to be decided in this Govt. reference is the right of the management of M/s RMP SOMC to transfer their employee from the unit to Bombay or elsewhere and the question is whether they have such a right and whether the action taken against the workman Pandey is just and legal in the circumstances of the case.

Be it noted here that the matter had gone to the High Court and the Goa Bench of Bombay High Court in their order of remand dated 7-7-87 have observed that "It will be proper that the matter be referred to the Industrial Tribunal to give a definite finding as to whether or not Pandey was transferable to the Head Office at Bombay in the facts and circumstances of the case". While making these observations in the order of remand their lordships felt that the question posed before this Tribunal was confined to the question of the right to transfer and I am confining myself to this point only. Shri Subhas Naik on behalf of the workman Pandey in his Written Arguments has submitted before me that the matter as regards the temporary workman acquiring a right for continuity in service after having completed 240 days in service governed by Sec. 25B, 25F, 25G and 25H of the I. D. Act is the subject matter of another dispute pending between the workman Pandey and the employer and the Tribunal is not required to give a finding on that point. Hence the point in short involved in this reference is as regards the right of transfer of the management of Goa Unit and I shall confine my discussion to this point only.

There are two three points which have to be considered while studying this point and I shall first start with the Certified Standing Orders which are certified by the then Asst. Labour Commissioner, R. S. Mardolkar in his letter

dated 6th November, 1982 and the preamble to the amended orders as per clarification letter dated 7th June, 1980, clause 1 Sub-Clause (f) shows that the 'ESTABLISHMENT' means the RMP SOMC with its units in Union Territory of Goa, Daman and Diu, as Goa then was. So to start with these Standing Orders as certified by the Asstt. Labour Commissioner do apply to the establishment in the Goa unit of RMP SOMC having its Head Office at Bombay. From the very fact that the Standing Orders are certified by the Labour Commissioner from Goa itself would indicate that these Standing Orders would not be applicable to any unit outside Goa. The Standing Orders gives classification of workers etc., and other service conditions and the clause on which reliance is placed is the clause regarding the transfer etc., which is clause No. 14. As laid down therein a workman shall be liable to be transferred at the discretion of the company from one job to another or from one department/section to another section which means within Goa region. Hence a plain reading of clause 14 would go to show that no workman could be transferred outside Goa region and whenever any occasion arise the workman would be transferred from one job to another and from one department/section to another department/section. Hence so far as the Certified Standing Orders are concerned the order of transfer issued by the Security Administrator, Parekh, is outside the purview of the Standing Orders. The question then is how and under what circumstances the transfer order came to be issued and a brief resume of the 9 steps enumerated by me giving the break in service in the foregoing paragraphs would show that the workman was reappointed on 13-10-83 and automatically his service was to come to an end on or after 10-12-83. Where was then the question of transfer order to be issued by Parekh during this period of 2 months? The question is to be asked pertinently because the period of service was 2 months and the order of transfer Exb. 20(E) is issued by Parekh on 7-11-83 and the workman was not given any time and he was asked to join the Bombay office post haste on the next day. There is absolutely nothing on record how such an order of transfer was issued, what were the circumstances which constrained Parekh to issue such an order of transfer when the workman was to be out of service on 10-12-83 only. Hence there is reason to believe that there was something which is not on record for which the order of transfer was issued. I am not here to consider the merits of the order of transfer and what I am to consider is whether Parekh had any right or authority to issue such an order of transfer. As stated by me above the letter of transfer Exb. 20(E) dated 7-11-1983 issued by Security Administrator Parekh has given rise to this government reference and I am confining my discussions to this right of Security Administrator to issue such an order of transfer. It has to be noted that the Goa Unit of which Parekh is the head in the capacity as Security Administrator is governed by the Certified Standing Orders and the clause No. 15 is already discussed by me in the foregoing paragraphs. This clause so far as it applies to the management and workmen of Goa unit envisages the transfer within the unit or at the most within Goa region if this unit has any local branches within Goa. So far as the power of Parekh is concerned he has no right to transfer a workman from his unit to a place outside Goa because Parekh has no such right of transfer and his powers as a Security Administrator of the Goa Unit are very much limited. Even if it is considered that Parekh was acting on the orders of the Head Office at Bombay the proper authority to issue the order of transfer would have been the head office at Bombay. If the head office at Bombay exercising its superintendence over its Goa unit had issued the order of transfer the position would have been slightly different. Here as per the government reference what this Tribunal is called upon to decide is whether the action of the management M/s RMP SOMC, Zuarinagar, Goa, in transferring the workman Pandey from Sancoale establishment to Bombay is legal and justified and from the facts and circumstances of the case I feel that Parekh was acting beyond the powers which he had as a Security Administrator of the Zuarinagar Goa unit of RMP SOMC. The Security Administrator of the Zuarinagar Goa Unit has to issue orders pertaining to the administration of the Zuarinagar unit but he has no right to transfer one person from this unit outside Goa and at the most this right would have been exercisable by the Head office depending on the circumstances under which the order of transfer was issued. So far as the present order of transfer Exb. 20(E) issued by the Security Administrators of Goa Unit is concerned the same is not just and proper and the Administrator had no right to issue such an order of transfer. As stated above this question as regards the legality or otherwise of the order of transfer has become a matter of only academic

interest because a person who was reappointed for a period of just 2 months is directed to go out of Goa region of the Unit by a person who had no authority to issue such an order of transfer. The question whether the workman had really completed the continuous service of 240 days as required u/s 25F of the Act, whether the service put up by him with a break from time to time can be clubbed together to count 240 days is precisely a matter outside the purview of the present government reference and the union representing the workman also does not require the Tribunal to record a finding on that point and as pointed above the point is limited to the consideration of the authority of the Security Administrator, Parekh to transfer an employee from Goa Unit to a place outside Goa region and it is seen that he has no right to do so and for academic interest the order of transfer would not be legal and justified. As a matter of fact it would not have been necessary to consider the legality or otherwise of the order of transfer but the question of the workman Pandey becoming a member of the trade union came to the fore and the matter of transfer was taken up by the union which even filed Writ Petition No. 204/85 in the High Court and the copy of the judgment of the Goa Bench of the Bombay High Court dated 7th July, 1987 is at Exb. W-11. It would be seen that the appointment of Pandey was being renewed from time to time and the Security Administrator issued the order of transfer on 7th November, 1983, a fact which I have repeatedly stated in the foregoing paragraphs. The order states that Pandey was to join the Head Office at Bombay w.e.f. 8th November, 1983 and the union maintained that this transfer was done as a result of the union activities of Pandey because Pandey was the only Security Inspector who had become a member of the Union and on his behalf the union raised an industrial dispute and conciliation proceedings were held before the Labour Commissioner. The proceedings ended in failure, to conciliate the parties and by his letter dated 7th March, 1984 the Asstt. Labour Commissioner made a failure report to the Asst. Secretary of Industries and Labour Dept., Govt. of Goa. The Under Secretary informed the workman Pandey that Govt. did not agree to make a reference of the dispute for adjudication u/s 10(i)(d) of the Act as the employee was recruited in Bombay on the condition that he was liable to transfer back to Bombay. It is this decision conveyed to the workman through the Under Secretary which was challenged by the Union by filing the Writ Petition in the High Court and their lordships of the Bombay High Court considering this point at length made the observations which I have quoted in the foregoing paragraphs asking this Tribunal to record a finding on the point of transfer only. Their lordships also found that though Pandey was selected by the Head Office at Bombay he was always appointed and reappointed by the Security Administrator of Z.A.C.L. Unit and at the most the position of appointment by the head office at Bombay would be binding on Pandey only for the first appointment which was ending on 8th March, 1983. Thus the appointment of Pandey at the instance of the Head office at Z.A.C.L. Unit at Goa was for a period of 10-1-1983 to 8-3-1983 and the supervision and control of the Head Office came to an end on 8th March, 1983. The position obtaining thereafter was that it was a matter of appointment and giving breaks between Pandey on one part and Security Administrators, Parekh, on the other and the last order of reappointment was made by Parekh for the period between 13-10-1983 to 10-12-1983 and on 10-12-1983 the services would have ipso facto come to an end. Where was then the question of issuing the order of transfer and this is the point which has to be considered for the limited purpose under the government reference. The Government reference came to be made on February, 3rd 1988 only after the passing of the judgment by the division bench in the writ petition and directing the government to refer the dispute as to whether or not Pandey is transfer-

able and accordingly the reference came to be made to this Industrial Tribunal and I have considered the facts and circumstances in details in the foregoing paragraphs.

The point of law as regards the right of management to transfer its employee has been considered in many decisions in the High Court as well as the Supreme Court. The management no doubt have a right to transfer a person within its organisation and if there are branches, from one branch to the other. This would be a matter as regards the right of the Head Office if it is the appointing authority and if it is exercising its power on transfer. Here as stated above the relationship between Pandey and the Head Office came to an end on 8th March, 1983 even if a liberal view of the matter as regards the right of the Head Office to transfer Pandey is taken into consideration. Thus, when the relationship between him and the Head Office came to an end the only question is regarding the right of Parekh the local Administrator to transfer Pandey from Goa Unit to outside the local unit of Goa and I find that Parekh had no right to transfer an employee of Goa Unit outside the region of Goa because he was governed by the certified standing orders covering the employees of Goa Unit and the order issued by Parekh is the wrong exercise of the right of transfer conferred on him under clause 15 of the Certified Standing Orders. Hence the question would be whether there was any motive behind the transfer and whether the transfer was made to victimise the concerned workman and whether it was as a result of unfair labour practice. In this regard reliance is placed on the observations of Supreme Court in the case reported in 1961 (1) L.L.J. page 262. In another case of the Supreme Court reported in AIR, 1966 Supreme Court page 650. It is observed that the employer has no inherent right to transfer his employee to another place where he chooses to start a business subsequent to the date of employment. For this purpose there should be an express term of contract of service between the employer and the employee that the latter should serve in any other concern etc. In the present case the first order issued by the Head Office no doubt says that the employee viz. Pandey is liable to be transferred to other Units. This was a right exercisable by the Head Office at Bombay. However, the service of Pandey was placed at the Goa Unit of the Company and when once the services of Pandey were placed at the disposal Goa Unit the workmen including Pandey were governed by the Certified Standing Orders in absence of any specific contract to the contrary. Hence considering all these aspects also it is found quite clear that the order of transfer issued by Parekh, Security Administrator of Z.A.C.L. Unit of RMPSCOMC is not just and proper. I, therefore, hold that the transfer is not proper and pass the following order.

#### ORDER

It is hereby held that action of the management of M/s RMP SOMC, Zuarinagar, Goa, in transferring Shri S. K. Pandey, Security Inspector from Sancoale establishment to Bombay is neither legal nor justified.

As the question of transfer was the only point involved in this Govt. reference the workman Shri S. K. Pandey is not entitled to any relief in this matter of Govt. reference other than the declaration as stated above.

In the circumstances of the case the parties shall bear their own costs.

Inform the Government accordingly about the passing of the award.

S. V. Nevagi  
Presiding Officer  
Industrial Tribunal